

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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DAVID NEY,	:	
	:	
Plaintiff,	:	Civil Action No. 06-4354 (JKG)
	:	
v.	:	
	:	
OPEN SOLUTIONS INC.,	:	
	:	
Defendant.	:	
	:	

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**SUPPLEMENTAL JURY INSTRUCTIONS  
OF DEFENDANT OPEN SOLUTIONS INC.**

As required by the Court's jury trial attachment order, dated January 9, 2007, defendant, Open Solutions Inc., through its undersigned counsel, hereby submits the following supplemental jury instructions.

Respectfully submitted,



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Scott L. Vernick, Esquire  
David H. Colvin, Esquire  
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2000 Market Street, Tenth Floor  
Philadelphia, PA 19103

Attorneys for Defendant  
Open Solutions Inc.

Dated: October 8, 2007

**SUPPLEMENTAL INSTRUCTION No. 1**

Under the law in this case, you must return a verdict in favor of the Defendant.

**SUPPLEMENTAL INSTRUCTION No. 2**

Based on the evidence in this case, you must return a verdict in favor of the Defendant.

**SUPPLEMENTAL INSTRUCTION No. 3**

Under the law and evidence in this case, you must return a verdict in favor of the Defendant.

**SUPPLEMENTAL INSTRUCTION No. 4**

**CONTRACT INTERPRETATION**

The evidence that you should consider when interpreting a contract includes:

- (i) all terms and provisions in the contract;
- (ii) the structure of the contract;
- (iii) the testimony of the parties regarding their respective interpretation of the contract;
- (iv) the conduct of the parties that reflects their understanding of the contract's meaning; and
- (v) custom and usage in the industry.

See Commonwealth Dep't of Transp. v. Manor Mines, Inc., 565 A.2d 428, 432 (Pa. 1989); Teamsters Indus. Emp. Welfare Fund v. Rolls-Royce Motor Cars, Inc., 989 F.2d 132, 135 (3d Cir. 1993); Sunbeam Corp. v. Liberty Mut. Ins. Co., 781 A.2d 1189, 1193 (Pa. 2001); Optopics Laboratories Corp. v. Nicholas, Civ. A. No. 96-8169, 1997 WL 602750 (E.D. Pa. 1997).

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing supplemental jury instructions of defendant Open Solutions Inc. was served this day via overnight delivery as follows:

Mark S. Sigmon, Esquire  
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David Ney



David H. Colvin, Esquire

Dated: October 8, 2007